

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In Re Application of:

Mikko K. VIRT : Confirmation No. **7632**
Serial No: **10/668,105** : Examiner: **J. CARDENAS NAVIA**
Filed: **September 22, 2003** : Group Art Unit: **3624**

For: **DYNAMIC CALENDER RESERVATION**

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Commission for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REPLY BRIEF

Sir:

This Reply Brief is in furtherance of the Appeal Brief filed August 2, 2010, and in response to the Examiner's Answer of October 21, 2010:

REMARKS

In response to the Examiner's Answer of October 21, 2010, appellant reiterates the arguments presented in the Appeal Brief filed August 2, 2010, and responds to the Examiner's Answer as follows.

The Office responds to appellant's arguments that Barto is non-analogous art by asserting on pages 16-17 of the Examiner's Answer that since Barto and the present application are directed to solving the same problem with the same hardware means Barto is analogous art. The Office asserts that the structure of Barto is similar to the present invention in that they both involve conventional computer systems. Appellant respectfully submits that merely because a reference discusses a computer system, does not mean that it contains the same structure as an invention also discussing computer systems. It is understood that the structure of computer systems may be dictated by their functions, and therefore since the functions of the present invention and Barto are entirely distinct it necessarily follows that the structure of the computer systems used to implement these distinct functions would also be distinct. Accordingly, the Office needs to show more than just the fact that the present invention and Barto use computer systems. Furthermore, Barto is not reasonably pertinent to the particular problem with which the applicant of the current application is concerned. A reference is considered reasonably pertinent if it is one that would have logically commended itself to an inventor's attention in considering his problem. *In re Clay*, 23 USPQ2d 1058, 1061 (Fed. Cir. 1992). The inventors of the present application would not have paid attention to a reference such as Barto, since it is directed to automated manufacturing environments and reducing scheduling conflicts for a resource used in the manufacturing environments. These are entirely different problems than the present application with is directed to flexible scheduling of activities and meetings for persons.

The Office notes on page 17 of the Examiner's Answer that applicant has argued that the references do not disclose or suggest a reserved window of time only with respect to Barto. However, the Office specifically acknowledged on page 4 of the final Office Action that Dean does not disclose storing in the electronic schedule apparatus at least one respective interval of time during which the at least one amount of the personal time is to be reserved, and that each of the at least one amount of personal time is less than the respective interval of time, and relies upon Barto for this teaching. Therefore, appellant is not arguing against the obviousness

rejection by attacking references individually, because it necessarily follows that if Barto does not teach what the Office has acknowledged Dean does not teach, then the combination of references cannot teach that claimed limitation.

The Office also asserts on page 18 of the Examiner's Answer that the commitment window (CW) of Barto would correspond to the at least one respective interval of time during which the at least one amount of the personal time is to be reserved, because the CW is a fixed period of time. However, the kernel (k) does not correspond to the least one amount of personal time during which no bookings by others are allowed. Instead, the kernel (k) is the time required by the provider to complete the task. See Barto column 9, lines 27-29. Barto is silent regarding whether other bookings are allowed during the kernel (k) of time, because Barto only refers to the kernel (k) as the time required to complete the task, and not as a booking.

Therefore, for at least the reasons discussed above, applicant respectfully submits that the claims of the present application are not disclosed or suggested by the references cited by the Office.

Conclusion

For the reasons discussed above, appellant respectfully submits that the rejections of the final Office Action have been shown to be inapplicable, and respectfully requests that the Board reverse the rejections of the pending claims. If any additional fee is required for submission of this Reply Brief, the Commissioner is hereby authorized to charge Deposit Account No. 23-0442.

Respectfully submitted,

Date: 19 December 2010

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